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SUMMARY RECORD OF THE 11th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Monday, 8 February 1993, at 3 p.m.

Chairman: Mr. FLINTERMAN (Netherlands)

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1. Mr. RYDER (International Confederation of Free Trade Unions) said that ICFTU, which represented 113 million workers in 117 countries, welcomed the opportunity to highlight its concerns regarding the human rights situation in South Africa. As at previous sessions of the Commission, optimism over prospects for progress towards the final abolition of apartheid was tempered by the formidable obstacles that remained along the path to a democratic, non-racist and unitary South Africa. The most distressing obstacle was the appalling violence in South African society, which had escalated to the point where it jeopardized the exercise of all basic human rights. An ICFTU fact-finding mission on violence, acting in solidarity with the democratic trade union movement, had visited South Africa and made concrete proposals for action to combat that alarming and complex phenomenon. The total of over 3,000 deaths due to political violence in 1992 was only partial testimony to the gravity of the situation, in which innocent people had fallen victim to the pervading climate of terror and the resultant insecurity in a cruel, unprovoked and apparently arbitrary manner. As the Ad Hoc Working Group of Experts had recorded, the number of trade-unionists murdered in 1992 had again been very high and had included 75 members of the Congress of South African Trade Unions (COSATU) in the Johannesburg area alone.

2. The regrettable and inevitable conclusion was that trade-unionists remained a particular target by reason of their outstanding role in the anti-apartheid struggle. An increasing body of conclusive evidence, including that brought to light by the Goldstone Commission, demonstrated the involvement of military, political and security forces in the planning, incitement and execution of the gravest acts of extrajudicial violence as well as their culpable failure to prevent the commission of such acts by others. The purpose of such acts was to destabilize the process of democratization, as had been vividly illustrated by the interruption of the CODESA process following the Boipatong massacre in June 1992. It was a tribute to the commitment of the representative organizations of the majority population to the goal of negotiated peaceful democracy, amply demonstrated by the overwhelmingly observed stayaway of 3-4 August, that despite such acts, real prospects persisted for decisive movement towards the installation of an interim government and the introduction of a new constitution.

3. ICFTU believed that until then, it was incumbent on the international community to keep in mind the basic fact that, notwithstanding legislative changes in recent years, the apartheid system, with its complete disenfranchisement of the black population, remained the defining feature of the South African State. In such circumstances, the primary responsibility of the United Nations was to contribute as effectively as possible to bringing apartheid to an end at the earliest possible date. The organization must also act now to address the severe economic and social problems that would be apartheid's legacy to a democratic South Africa, as was underlined by the Special Tripartite Conference on Southern Africa convened by the International Labour Organisation (ILO) at Harare in May 1992.

4. Apartheid had had catastrophic consequences for the South African economy. The estimated overall unemployment rate of 40 per cent and the decline in output had to be seen in the context of a situation in which the whites (13.5 per cent of the population) received 54 per cent of the national income, 42 per cent of households lived below the poverty line, and 7.5 million urban blacks were living in informal settlements. In order to address the deep-seated structural problems, the democratic society to emerge from the abolition of apartheid would need to draw on the views, knowledge and energies of all sectors of society in a manner that had so far been impossible. In particular, the active involvement of trade unions and employers in participating tripartite institutions such as the National Economic Negotiating Forum could be of critical importance in setting South Africa on a successful and just development path. Foreign institutions also had an important role to play. In cooperation with the South African trade union movement, ICFTU had been active in drawing up a proposed code of conduct for transnational corporations investing in South Africa, which merited support from all parties concerned.

5. The report of the Ad Hoc Working Group of Experts made extensive reference to serious violations of basic trade union rights that persisted in the labour legislation, notwithstanding the amendments to the Labour Relations Act introduced in February 1991. The changes most urgently needed were in respect of agricultural workers and domestic workers, public-sector employees and the so-called Bantustans, where South African labour law did not apply. More generally, employers' freedom to dismiss strikers and replace them with strike-breakers was a serious breach of international standards and a potent aggravating factor in the extremes of violence that had attended increased levels of strike activity in the past year. ICFTU shared the Working Group's assessment of the value of a detailed report by the ILO Fact-Finding and Conciliation Commission set up to investigate the complaint submitted by COSATU in 1988 against the Government of South Africa. It regretted the Government's failure to date to report on action to be taken by it in areas, where progress had been slow and uncertain. Undertakings had been given to legislate in respect of agricultural and domestic workers during the coming parliamentary session, but such promises had not always been carried out in the past, and there was a need to ensure that any laws that were enacted would comply fully with international labour standards. The Government's failure to consult the representative trade unions concerned had also led to serious and unnecessary delays with respect to public-sector reform. As to the Bantustans, although some movement had been observed in Ciskei and Transkei, in Bophutatswana restrictions on trade unions had been intensified.

6. ICFTU hoped that, in renewing the mandate of the Working Group, the Commission would also react positively to the Sub-Commission's recommendation that a special rapporteur should be appointed to examine progress towards democracy, equality and social justice in South Africa.

7. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that, at the mid-point of two Decades to combat racism, the world was witnessing an explosion of racism in all its forms, from xenophobia to denial of Nazi crimes, from ethnic cleansing to attacks on migrant workers. Fortunately, democratic energies everywhere were also being mobilized, as all segments of society were becoming aware of the stakes involved. The threat of racism was of direct concern to everyone. At the end of the 1992 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the NGO Sub-Committee on Racism had organized a successful seminar on that subject, ending with a call for action. That call was being heeded, and some optimism was in order. Many obstacles remained, however, and he would concentrate on three key areas of concern: legislative action, the relationship between racism and social exclusion, and the problem of identity and difference.

8. Governments must secure the adoption of criminal legislation against racist acts. France was ahead of many countries in that respect, but 20 years after the enactment of its anti-racism legislation, the law was often applied quite timidly. Many judges had not yet understood that racist views were not simply opinions like any other. The example of Germany was significant in that regard: what had been held to be an inoffensive popular prejudice had led to the final solution, which many had been too late to see coming. Regarding the current acts of aggression against migrant workers, host-country Governments must take steps to integrate those workers into the life of the country and at the very least give them the right to vote in local elections, as required by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had not yet been signed or ratified by the countries in question.

9. He welcomed the growing awareness of the fact that racism and xenophobia were closely linked to social exclusion. That link was more complex than in the old theories of the scapegoat or "in-group/out-group" dialectic, but there was a consensus on the basic idea that societies in which social exclusion occurred tended spontaneously to use racism to justify their non-egalitarian structure. Thus the struggle against racism must begin with a serious effort to combat inequalities in schools, deterioration in housing, unemployment and the cultural impoverishment caused by the mass media.

10. The principle of respect for differences had originally been a valid one. However, it had been cleverly deformed by ideologists of the far right as a justification for racist bias. One of the cornerstones of the differentialist propaganda of the neo-racist mind was the unequal development of the North and the South. There was a basic link between the development of racism in the North and the growing poverty in the South. Regarding nationalism as a potential vector of racism, the philosopher Descartes had said that all passions were intrinsically good. The national passion called patriotism

urged everyone to explore the richness hidden in what seemed to have been given to everyone since birth. Nationalism, however, ignored the question of identity.

11. Mr. WIPFLER (Anglican Consultative Council) said that in Angola, the signing of the peace accords on 31 May 1991 by President Dos Santos for the Movimento Popular de Libertação de Angola (MPLA) and Dr. Jonas Savimbi for the União Nacional para a Independência Total de Angola (UNITA) had raised hopes that the bloody 16-year war had come to an end. The accords had led to United Nations-monitored multiparty elections in which the MPLA had won 53.74 per cent of the legislative vote and President Dos Santos had won 49.57 per cent of the votes for President, as against 40.7 per cent for Dr. Savimbi. Since neither presidential candidate had received 50 per cent of the vote, a second round would have been necessary. Tragically, Dr. Savimbi had not waited for the working-out of the democratic process. Claiming the elections had been fraudulent, UNITA officers and troops had left the unified Angolan armed forces, joined other UNITA forces that had remained armed and renewed the civil war. Attempts by the United Nations and a joint political-military commission made up of the United States, Portugal and the Russian Federation had led to a cease-fire agreement between the Government and UNITA, but less than 48 hours later Dr. Savimbi and UNITA had once again violated the accords and launched a new offensive. United Nations estimates suggested that over 1 million people had been driven from their homes and over 1.5 million were facing starvation as the conflict intensified.

12. The situation in Angola represented a tragic and massive violation of the human rights of the Angolan people, and the Commission should address three concerns in that regard. The first was the role played by other countries in the denial of those rights. There was documentary proof that both Zaire and South Africa were backing UNITA in its violent struggle against the Government of Angola. South Africa's intervention, which had become far more dangerous with the renewal of the civil war, had prompted a meeting of the heads of State and Government of the front-line countries in Harare, who had issued a communiqué underlining their fear that the region might once again be under threat of military destabilization and calling on the international community to prevail on South Africa to desist from such policies.

13. The second concern was the role to be assumed by the United Nations in helping to restore human rights in Angola. It was tragic that the United Nations had not dealt with UNITA satisfactorily prior to the elections by demanding greater mobilization of its forces in accordance with the peace accords. Security Council resolution 793 (1992) had failed to differentiate between a democratically elected Government and a political group that had resorted to force after losing the elections. Even the Secretary-General had given UNITA more credit than was appropriate and had virtually surrendered to it the right to decide the future role of the United Nations in Angola. It was the Commission's responsibility clearly to place the burden of blame for the failure of the accords and the resumption of the massive violations of the rights of Angolan citizens where it belonged: on the UNITA forces and their supporters.

14. The third concern was the role of the Commission itself. It must recognize that the democratic process, which provided the only assurance of the enjoyment of human rights, was fragile. UNITA must be denounced for breaching the peace accords and resorting to violence, sanctions must be applied to the countries that supplied it and the Angolan Government must be supported in its attempts to bring stability and democracy to its afflicted people.

15. Mr. RETUREAU (World Federation of Trade Unions), referring to the wave of violence in South Africa in recent months, said that the Goldstone Commission's report indicated that high-ranking political and military leaders were active in provoking inter-ethnic and political conflicts. According to eye-witness testimony, they had even played a direct part in the terror and assassinations that had attended the raid on the squatter camp at Boiphatong in June 1992. Thus the Government's claim that the violence simply reflected the political conflict between Inkatha and the African National Congress (ANC) was unfounded, since it had been revealed that Inkatha was in fact sponsored by the racist authorities to oppose the ANC and maintain white domination. The Ad Hoc Working Group of Experts had also expressed its concern at the inability or unwillingness of the police to protect the lives and property of the black population and the role of death squads and paramilitary and parapolice groups in the escalation of violence aimed at sabotaging the constitutional negotiations.

16. Three elements made the democratic process in South Africa fragile: the racist legislative structure had not yet been completely dismantled; the differences in social and economic conditions between the black and white populations created by apartheid were so great that their elimination would be a lengthy and difficult process; the question of political equality and of the Bantustans remained unresolved. It was also regrettable that some countries had prematurely and inappropriately lifted sanctions against the racist regime, when such a decision was for the political liberation movement and non-racial trade union movement of South Africa to make, taking political and economic necessities into account.

17. In the socio-economic sphere, nearly half the population was living below the poverty line, gross domestic product was declining and the unemployment rate was rising. Living conditions in the townships and rural areas, mostly black, remained very precarious. The most representative trade unions, which his organization supported, played a decisive role in the democratic process. White workers were joining those non-racist trade unions, which should be allowed to play their part independently of the Government and political parties in order to contribute to change and development in the country. However, anti-trade union repression by the so-called "forces of order" or by armed gangs remained at tragic levels. The army had been used to break strikes, and the rate of industrial accidents in South Africa, the highest in the world, showed that profits counted for far more than workers' lives. Racial discrimination continued in respect of the right to work, salaries and compensation for industrial accidents, and agricultural workers were grossly exploited. Moreover, allegations of espionage and infiltration of trade unions had been confirmed by the Minister of Public Order. COSATU headquarters was constantly monitored and provoked by the police, and the resultant aggression had brought about the arrest of trade union militants.

18. Democracy was a primary condition for change. The current situation was dangerous, and although some progress had been made, it had to be consolidated and made irreversible. He agreed with the Group of Experts that the constitutional negotiation process was too often interrupted. President De Klerk had received an unequivocal mandate from the white electorate to pursue the negotiations, and he must conduct a large-scale clean-up in the army and police and accelerate that process. The roots of the violence lay in apartheid itself, and a democratic constitution was needed to avoid possible civil war if substantial progress were not made.

19. Racism and racial discrimination must also be extirpated in other parts of the world, in particular Europe, where there had been a rise in racist, xenophobic and anti-Semitic ideologies directed against certain minorities, migrant workers and political refugees, whose numbers had been increased by the war in the former Yugoslavia. As in the 1930s, the chauvinistic and fascist parties had experienced a rebirth in the wake of unemployment and economic crisis, although the large-scale popular demonstrations against such ideologies in Germany, Austria and France in recent months had given cause for hope. The situation was still dangerous, however, and Governments that had taken or were preparing to take measures limiting the right of asylum or preventing economic migration were playing into the hands of extremist groups. Some of the very countries which spoke of human rights before the Commission had practically closed their doors to refugees from the former Yugoslavia and elsewhere.

20. Mr. CHANDRA (World Peace Council) said that as the end of the Second Decade to Combat Racism and Racial Discrimination approached, it was the Commission's duty to examine the work done to implement the Programme of Action as well as the Programme of Action for the Third Decade. United Nations bodies, especially the Centre for Human Rights, should be congratulated on several aspects of the programme, even though a considerable part of the programme had not yet been implemented. However, there had been a sharp increase in ugly, dangerous and violent manifestations of racism, ethnic conflict, anti-Semitism and pseudo-religious fundamentalism. The failure of Governments to take timely and decisive action had contributed to the spread and intensification of racially motivated acts, reminiscent of the horror of Nazi rule.

21. Fortunately, humankind was aware of what was happening, and the slogan "never again" had been raised in anti-fascist demonstrations in Germany and other European countries in 1992 and 1993. In the United States, 1992 had been a year of racist violence. The bias of local policemen and a United States court had sparked anti-racist actions in Los Angeles and other cities, and world public opinion had been aghast that the Ku Klux Klan had put up candidates for elected office. Violence had also been practised by ethnic, tribal and communal fundamentalist groups in Africa, Southern Asia and elsewhere.

22. The Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization which had been formed by the non-governmental organizations at the beginning of the first Decade worked within the system of committees of the conference of NGOs in consultative status with the Economic and Social Council. The Sub-Committee organized conferences, seminars and other events

attended by international and national NGOs from all continents, and representatives of Governments, United Nations bodies and specialized agencies also contributed actively to such events. A detailed report on the Sub-Committee's activities in support of the implementation of the Programme of Action for the first Decade had been submitted to the Commission at the time, and booklets had been issued by it on each of the major events it had organized.

23. Three major areas had occupied the Sub-Committee during the second Decade: racism, apartheid and colonialism in Africa; indigenous peoples; migrant workers. A number of conferences and seminars had been organized during the first half of the second Decade, and an international NGO conference for action to combat racism and racial discrimination and mobilize public opinion had been held in October 1988.

24. During the previous three years, numerous meetings had been held by the Sub-Committee to implement the programme of action and proposals of the 1988 Conference. At each phase of the efforts to eliminate apartheid, including the release of Nelson Mandela and the legalization of the liberation movement, the Sub-Committee had kept NGOs informed of the facts, and several NGO members of the Sub-Committee had signed statements on key issues at various important junctures.

25. A number of NGO events and consultations with indigenous representatives had been organized in connection with the preparations for the International Year for the World's Indigenous People and to mark the five-hundredth anniversary of the oppression and exploitation of the indigenous peoples of the Americas. The Sub-Committee paid special attention to activities to combat the menace of racism in Europe, and a seminar on the rising tide of racism in Europe had been held in August 1992. The Sub-Committee was preparing for the World Conference on Human Rights and the NGO forum to be held in Vienna in June 1993 through publication of documents and other activities. A programme for NGO action during the third Decade was also being prepared, and it had been proposed to hold an NGO conference in August or September 1993 to review the results of the first two Decades and consider NGO events during the third.

26. The Commission should call for greatly increased action by United Nations bodies to implement the unfinished Programme of Action for the second Decade and adopt an effective programme for the third Decade. That could be done more effectively if special steps were taken to increase NGO participation in those activities. In conclusion, he said that racist and ethnic tensions should be fought not by war and military intervention, but by concerted and peaceful actions by anti-racist forces in every part of the world.

27. Mr. ZODIATES (Cyprus) said that Cyprus had repeatedly stated its principled and consistent position that apartheid in all its forms and manifestations was an abhorrent and unacceptable system that should be completely and unequivocally dismantled. It was, however, generally accepted that South Africa had entered a transitional period and that a new non-racial, pluralistic and democratic society would be erected on the ruins of apartheid. Thus his delegation welcomed the recent reforms which had given the world

community the feeling that a really constructive dialogue between the minority and the majority might be emerging after the release of Nelson Mandela from prison.

28. Nevertheless, there was a long way to go before apartheid was totally eradicated. The 1983 Constitution remained unchanged. The negative effects of the repealed apartheid laws had not been eliminated. The behaviour of the police, army and security forces towards the black majority remained basically the same because, as the report of the Ad Hoc Working Group of Experts noted, they were trained to implement apartheid policies and were neither able nor willing to intervene impartially and effectively to protect the lives and property of the black population. His delegation was concerned by the fact that, according to reports, 90 per cent of deaths in detention resulted from police brutality against prisoners, by the lack of confidence in the judicial system and by the South African authorities' obstruction of the judicial process.

29. His delegation had condemned the policy of Bantustanization as a mockery of the right to self-determination. It was unfortunate that, after the repeal of the Land Acts of 1913 and 1936, the Group Areas Act of 1966 and the Black Communities Act of 1984, three "pillars of apartheid", no change for the better had been observed in the legal status of the Bantustans.

30. In addition, as observed in the report of the Ad Hoc Working Group of Experts, no further steps had been taken to pursue non-racial land reform. The effects of the abolition of the Group Areas Act had been undermined by the Residential Environment Bill and, in spite of the abolition of the Population Registration Act, the population register would remain in effect until the 1983 Constitution had been repealed.

31. Two other consequences of apartheid posed grave dangers for a peaceful and democratic South Africa. The first was the deficiencies of South Africa's educational system, which resulted in the illiteracy of half the population of black children. Education was vital in opening the way for a new society free of prejudice. The second was the deplorable situation of children and young people in general. The principal victims of violence were - women and children, and there had been an increase in the number of children held in police cells and prisons and exploited in labour and prostitution.

32. The process of transforming South Africa into a fully non-racial, democratic and unified country should continue unabated, and the international community must not remain neutral during that process.

The meeting rose at 7.20 p.m.